FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 5316 OF 2005.

Toshibo Shimono anr. .. Petitioners.
vs.
Union of India & ors. .. Respondents.

WITH

WRIT PETITION NO. 5317 OF 2005.

N.E.C. Corporation & anr. .. Petitioner.
vs.
Union of India & ors. .. Respondents.

WITH

WRIT PETITION NO. 5318 OF 2005.

Shinobu Nakajo & anr. .. Petitioners.
vs.
Union of India & ors. .. Respondents.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders. :	:	Court's or Judge's orders

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Shri J.G. Bhatt, Senior Counsel with Amit Tambe i/b Trilgel for the petitioners.

Shri B.M. Chaterjee and Ms. A.M. Malhotra i/b Dr. T.C. Kaushik for respondent Nos. 1 to 4.

CORAM: V.C.DAGA AND J.P.DEVADHAR,JJ.
DATED: 14.9.2005.

P.C.:

. Heard.

. Rule returnable forthwith by consent of the parties.

. These petitions are directed against the order of the Settlement Commission dated 19th January 2005 wherein the Settlement Commission relied upon a judgment of the Madras High Court in the case of **Commissioner of Customs (AIR) Chennai vs. Customs and Central Excise Settlement Commission reported in 2002 (139) ELT 512** and came to the conclusion that the Commission has no jurisdiction to adjudicate upon the application made by the petitioner-applicant.

. This Court, in similar facts of the case, in Writ Petition No.115 of 2004 with other petitions, had occasion to consider the issue of jurisdiction of the Settlement Commission and decide the same in the light of the law laid down by the Madras High Court. The Division Bench of this Court did not agree with the view taken by the Madras High Court and was pleased to hold that the Settlement Commission has jurisdiction to deal with the matters for the reasons recorded in the said judgment. In view of the judgment of the Division Bench referred to hereinabove, both the parties agreed

that the impugned order of the Settlement Commission is liable to be quashed and set aside and matters are liable to be remitted back to the Settlement Commission for decision in accordance with law. We hope that the Settlement Commission shall decide the matters as expeditiously as possible at any rate, within 4 months from the date of receipt of this order.

. Petitions stand disposed of in terms of this order. Rule in each of these petitions is partly made absolute with no order as to costs.

(J.P. DEVADHAR,J.) (V.C.DAGA,J.)